

**PIN:
08-19-202-032**

**ADDRESS:
476 SOUTH COLUMBIA STREET
NAPERVILLE, IL 60540**

**PREPARED BY:
CITY OF NAPERVILLE
LEGAL DEPARTMENT
630/420-4170**

**RETURN TO:
CITY OF NAPERVILLE
CITY CLERK'S OFFICE
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540**

PZC Case #21-1-023

ORDINANCE NO. 21 - _____

AN ORDINANCE GRANTING A VARIANCE FROM SECTION 6-6B-8 (R1B HEIGHT LIMITATIONS/BULK REGULATIONS) OF THE NAPERVILLE MUNICIPAL CODE FOR THE SUBJECT PROPERTY LOCATED AT 476 SOUTH COLUMBIA STREET

RECITALS

- 1. WHEREAS**, Drake C. Kelly and Lauren E. Kelly, 505 North Eagle Street, Naperville, IL 60563 (“Owners and Petitioners”) are the owners of real property located at 476 South Columbia Street, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** (“Subject Property”), and have petitioned the City of Naperville (“City”) for approval of a variance to Section 6-6B-8 (R1B: Height Limitations/Bulk Regulations) of the Naperville Municipal Code in order to construct a single family residence that is three stories; and
- 2. WHEREAS**, per Municipal Code Section 6-6B-8 (R1B: Height Limitations/Bulk Regulations), the maximum height shall be 2 ½ stories; and

3. **WHEREAS**, pursuant to Section 6-3-6:2 (Standards for Variances) of the Naperville Municipal Code, the Owners and Petitioners' request approval of a variance from Municipal Code Section 6-6B-8 (R1B Height Limitations/Bulk Regulations) to allow construction of a three-story single-family home as shown in **Exhibit C**; and
4. **WHEREAS**, on March 17, 2021 the Planning and Zoning Commission considered the requested variance and recommended approval of the Owners and Petitioners' request; and
5. **WHEREAS**, the City Council of the City of Naperville has determined that the Owners and Petitioners' request meets the variance standards as provided in **Exhibit D** attached hereto and should be granted as provided herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NAPERVILLE, DUPAGE AND WILL COUNTIES, ILLINOIS, in exercise of its home rule powers, as follows:

SECTION 1: The foregoing recitals are incorporated as though fully set forth in this Section 1. All exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

SECTION 2: A variance from Municipal Code Section 6-6B-8 (R1B Height Limitations/Bulk Regulations) to permit a three-story single-family home to be constructed on the property located at 476 South Columbia Street is hereby granted.

SECTION 3: The variance approved by this Ordinance shall expire within two (2) years from the effective date of this Ordinance if a building permit has not been obtained and the construction or alteration of the structure as specified in this Ordinance has not been started within that two (2) year period.

SECTION 4: The Elevations and Site Plan, attached to this Ordinance as **Exhibit C,** are hereby approved for the Subject Property.

SECTION 5: This variance shall be subject to revocation for failure to comply with all other applicable provisions set forth in the Naperville Municipal Code, as amended from time to time, and all other applicable laws.

SECTION 6: If any section, paragraph, or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, or provision, shall not affect any of the remaining provisions of this Ordinance or any other City ordinance, resolution, or provision of the Naperville Municipal Code.

SECTION 7: The City Clerk is authorized and directed to record this Ordinance with the DuPage County Recorder.

SECTION 8: This Ordinance shall be in full force and effect upon its recordation with the DuPage County Recorder.

PASSED this _____ day of _____, 2021.

AYES:

NAYS:

ABSENT:

APPROVED this ____ day of _____, 2021.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk